

The rule adopted by the Centers for Medicare and Medicaid Services (CMS) on January 16, 2014, related to Home and Community Based Services (HCBS) requires developmental disability services funded by Medicaid HCBS waivers to be provided in community settings. To ensure compliance with the new rule, the Division of Developmental Disabilities (DDD) has initiated actions, including gathering information through the following processes:

1. Public hearings were held across the state to allow for public input on the draft transition plan.
2. Individuals, families, and guardians were invited to share information on their experiences and opinions in a survey.
3. Since Chapter 6 of Title 404 of the Nebraska Administrative Code already limits the size of provider-owned and controlled residential settings to three or fewer residents and addresses concerns related to community character, DDD considers those settings for which no exceptions have been granted to the regulations to be compliant with the new settings rule. DDD requested providers of all residential services for whom Title 404 exceptions had been granted to complete informational surveys on those residential services. These residential service locations have been compiled for further review.

DDD intends to further review these residential services to determine whether they meet the community settings requirements. This further review will consist of site visits by DDD staff, discussions with individuals receiving services in these settings and other stakeholders, and public meetings across the state to allow all interested stakeholders to provide input.

The residential service locations to be review can be found on the NDHHS Website, Licensing and Registration Page, <http://dhhs.ne.gov/Pages/licensing.aspx>, by searching Facility/Service Type, Center For Developmentally Disabled.

If you desire further information or wish to submit comments about these documents or other aspects of this review process, please contact the division via email at DHHS.HCBSPublicComments@nebraska.gov or via fax at 402-471-8792, attention Bernie Hascall. Written comments can be sent to the Department of Health and Human Services, Attention: Bernie Hascall, 301 Centennial Mall South, P.O. Box 98947, Lincoln, NE 68509-8947 or by calling Bernie Hascall at 1-877-667-6266. You may also attend any of the scheduled public meetings to provide input.

This process will result in a list of settings that DDD believes does not meet the requirements of the HCBS settings rule. This list will be published, and that will complete the Identification phase of the Transition Plan. Next, the Analysis phase will begin wherein DDD will work with individuals, families, providers, and other stakeholders to determine whether these services/settings can be adapted to obtain compliance with the rule. DDD appreciates all stakeholder participation and input in these processes.